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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

SWICKHAMER, CHRISTOPHER M

ART UNIT	PAPER NUMBER
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2662

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DATE MAILED: 02/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/462,761	Applicant(s) MAKIPAA, RISTO	
	Examiner Christopher M Swickhamer	Art Unit 2662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-38 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This Office Action is in response to the Amendment filed 12/15/03. Claims 12-25 have been cancelled. Claims 26-38 have been added. Claims 26-38 are pending. The Examiner approves the proposed drawing corrections. Currently no claims are in condition for allowance.

Claim Objections

2. Claim 35 objected to because of the following informalities: In lines 4 and 5, the claims use the word "which." It appears that the word "*the*" would be more appropriate in the context of the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 26-38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- Referring to claim 26 recites the limitation "the services" in lines 4 and 6. There is insufficient antecedent basis for this limitation. The Examiner cannot discern whether "the services" refers to "service information" in line 1, "service data" of line 3, or "service transmission" of line 3.

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- In claim 26, the limitation “at least one frame of the multiplexed frames” in lines 4-5 lacks antecedent basis. The claim describes multiplexing the service data into a frame format for service transmission, but does not describe multiple multiplexed frames.

- In claim 26, the limitation “the service multiplex” in lines 7 and 9 lack antecedent basis. It is not clear how the service multiplex relates to the claimed invention. The specification does not use this terminology. Claim 27 has a similar deficiency.

- In claim 26, lines 8-9, the claim states that the selection data is sent without the actual service data of the service multiplex. Referring to figure 1 of the instant application, it appears that the service data is transmitted in the same frame as the selection data. It is not clear how the selection data, which is based on the identification and control data, is sent without the services data when the specification appears to show all of these elements within the same frame. Claim 35, lines 5-6 also describes this feature.

- In claim 35, the limitation “the identification and control data” in line 4 lacks antecedent basis.

- In claim 35, the limitation “the multiplexed service data frames” in lines 4-5 lacks antecedent basis.

- Claims 26 and 35 will be examined as best understood by the examiner.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 26-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Coleman et al (US 5,844,620, hereafter Coleman).

- Referring to claim 26, Coleman discloses a method for providing a customer with service information via a terminal connected to a telecommunication network (abstract), the method comprising: multiplexing a plurality of service data in a frame format for service transmission (Fig. 1, col. 5, lns. 60-col. 6, lns. 16), whereby Interactive Program Guide (IPG, identification and control data) of the services are located in at least one frame of the multiplexed frames (col. 5, lns. 65-col. 6, lns. 5); forming selection data for the selection of the service on the basis of the IPG packet data (identification and control data) located in the service multiplex (col. 6, lns. 18-48); and transmitting the selection data based on the IPG packet data (identification and control data) separately, without the actual service data of the service multiplex, to the customer terminal for displaying the selection data (the IPG packet data is multiplexed separately from the various services packets provided, Fig. 1, col. 5, lns. 60-col. 6, lns. 16).

- Referring to claim 27, Coleman discloses a method as claimed in claim 26, further comprising transmitting the selection data to the customer terminal via a different network than the service multiplex is transmitted. The various services arrive from different networks (Fig. 1, '10' and '12') from the IPG packet data (Fig. 1, '20').

- Referring to claim 28, Coleman discloses a method as claimed in claim 25, further comprising creating a service directory from said IPG packet data (identification and control

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data), which service directory comprises the selection data and by which the services are presented on a display unit (col. 6, lns. 18-29).

- Referring to claim 29 Coleman discloses a method as claimed in claim 28, further comprising compiling a separate service directory on the basis of said identification and control data; and transmitting said service directory to the display unit in response to said display unit connecting to a telecommunication network (col. 6, lns. 30-48).

- Referring to claim 30, Coleman discloses a method as claimed in claim 28, further comprising compiling said service directory from the identification and control data of several multiplexed frames comprising a plurality of services (col. 6, lns. 18-48).

- Referring to claim 31, Coleman discloses a method as claimed in claim 29, further comprising compiling said service directory from the identification and control data of several multiplexed frames comprising a plurality of services (the system periodically receives updates of the IPG packets to update the directory, col. 14, lns. 23-45).

- Referring to claim 32, Coleman discloses a method as claimed in claim 28 (or 29 or 30 or 31), further comprising updating said service directory continuously to servers operating in the telecommunication network in accordance with the predetermined multiplexed services; and transmitting said service directory to the display unit in response to said display unit establishing a connecting to said telecommunication network (col. 14, lns. 23-45).

- Referring to claim 33, Coleman discloses a method as claimed in claim 26, further comprising in response to the user selecting a service displayed on the display unit, determining the telecommunication network, which is the most suitable for delivering the service (determine which of service packets 1-N delivering various services the system should select); and

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delivering the service selected by the user from the transmitting address to the receiver via said determined telecommunication network (Fig. 1, col. 5, lns. 60-col. 6, lns. 16).

- Referring to claim 34, Coleman discloses a method as claimed in claim 26, further comprising routing the selected service from the transmitting address to the receiver automatically on the basis of said identification and control data of the multiplexed frame (Fig. 1 and Fig. 2, the services are routed across the communications network to the receiver).

- Referring to claim 35, Coleman discloses a terminal of a telecommunication network, which is arranged to receive selection data regarding a plurality of service data of a service provider for selecting a service to be transmitted to said terminal in a multiplexed form (Fig. 1, col. 5, lns. 60-col. 6, lns. 16); and display the selection data of the service (col. 6, lns. 18-30), which selection data is formed from the IPG packet (identification and control data) located in the multiplexed service data frames (col. 5, lns. 65-col. 6, lns. 5), and which selection data has been transmitted separately, without the actual service data of the service multiplex (the IPG packets are transmitted multiplexed separately and not integrated into the packets of the other service packets, Fig. 1, col. 5, lns. 60-col. 6, lns. 16) .

- Referring to claim 36, Coleman discloses a terminal as claimed in claim 35, wherein the terminal is arranged to receive the selection data via a different network than the service multiplex is transmitted (Fig. 1, the IPG packets and services are received from different networks).

- Referring to claim 37, Coleman discloses a terminal as claimed in claim 35, wherein for forming the selection data of the service, the terminal is arranged to receive the service directory

comprising the selection data and formed from the identification and control data (Fig. 1, col. 6, lns. 18-30).

- Referring to claim 38, Coleman discloses a terminal as claimed in claim 35, wherein the terminal is a television or a computer (col. 6, lns. 18-20).

Response to Arguments

7. Applicant's arguments filed 12/15/03 have been fully considered but they are not persuasive.

- The arguments on pages 7-8 discuss differences between the disclosed invention in the instant application and that of Coleman. However, the arguments do not specifically point out differences between the claimed invention and the Coleman patent. No consideration has been given to the patentability of the differences described.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M Swickhamer whose telephone number is (703) 306.4820. The examiner can normally be reached on 8:00-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (703) 305-4744. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CMS
February 19, 2004



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